

1 UNITED STATES DISTRICT COURT W.D. OF WASHINGTON AT TACOMA

2 UNITED STATES OF AMERICA,

3 Plaintiff,

4 v.

5 JOSEPH LYLE CHARGING  
6 WHIRLWIND,

7 Defendant.

Case No. CR09-5094KLS

ORDER RE: ALLEGATIONS OF  
VIOLATION OF CONDITIONS OF  
PROBATION BY UNITED STATES  
PROBATION OFFICE

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9 THIS MATTER comes on for hearing on the Petition of the United States Probation Office alleging that the defendant violated the conditions of probation as set forth in said Petition.

10 The plaintiff appears through Special/Assistant United States Attorney, MARC PEREZ;  
11 The defendant appears personally and represented by counsel, PHIL BRENNAN;

12 The defendant has been advised of (a) the alleged violation(s); (b) the right to a hearing; and (c) the maximum sanctions if found to be in violation of probation.

13 The defendant has acknowledge his right to a hearing on the merits, voluntarily waived that hearing and acknowledged violating the conditions of probation as set forth below: 1) Using alcohol on or before February 6, 2010; 2) Failing to participate in an RRC program for up to 180 days.

15 The court having determined that the defendant violated the conditions of probation, now therefore defendant's probation will hereby:

17 ( X ) continue in effect, and

18 (X) be modified by the US Probation Office once the defendant is placed back into the Residential Reentry Center but that the defendant will be detained at the Federal Detention Center as a sanction for his two admitted violations until his placement in the Residential Reentry Center by probation.

20 IT IS ORDERED that the defendant:

21 ( ) Be released on an appearance bond, subject to the terms and conditions set forth thereon.

22 (X) Be detained, as sanctions for violating his probation, until probation places the defendant in the Residential Reentry Center.

24 The clerks shall direct copies of this order to counsel for the United States, to counsel for the defendant, the United States Marshal and to the United States Probation Office and/or Pretrial Services Office.

25 February 12, 2010.

26  
27 s/Karen L. Strombom  
28 Karen L. Strombom, U.S. Magistrate Judge